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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) | |
|--|--|--------------------------|---------------|
| | | 915-001.026 | |
| <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>July 10, 2009</u></p> <p>Signature <u>Marilyn O'Connell</u></p> <p>Typed or printed name <u>Marilyn O'Connell</u></p> | | Application Number | Filed |
| | | 10/763,821 | Jan. 22, 2004 |
| | | First Named Inventor | |
| | | Art Unit | Examiner |
| | | 2624 | Eric Rush |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>31,391</u> Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | | |



Signature

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July 10, 2009

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET: 915-001.026
USSN: 10/763,821

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Tapani RYHANEN

Serial No.: 10/763,821

Art Unit: 2624

Filed: January 22, 2004

Examiner: Eric Rush

Docket Number: 915-001.026

For: ARRANGEMENT FOR AUTHENTICATION OF A PERSON

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW
ACCOMPANIED BY NOTICE OF APPEAL

Sir:

In response to the Final Action of April 14, 2009, Applicant requests review of the rejection prior to preparing an Appeal Brief for the following reasons:

CERTIFICATE OF MAILING

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Marilyn O'Connell
Marilyn O'Connell

Dated: July 10, 2009

REMARKS

This Request for Review is filed with a Notice of Appeal with fee in response to the Final Action of April 14, 2009 in which claims 1-7 and 11-44 were finally rejected.

The Examiner has applied a new document, namely *Abramov* (U.S. Patent No. 4,577,345), which indeed relates to fingerprint sensing techniques. Especially *Abramov* teaches to use a pressure sensitive membrane having a conductive surface (i.e. electrical resistance) facing the array of contact pads for translating the fingerprint pattern into a conductive pattern of ridges and valleys of the finger [abstract, col. 3, lines 12-22].

Firstly it should be noticed that *Abramov* is totally silent about fingerprint sensors implemented by capacitive measurements or capacitive measurements in all. In addition *Abramov* (as well as also *Salatino* and *Watanabe*) is totally silent about polymer layers and thus the fact that interconnecting wires are metallizations between polymer layers, and that the at least one driver electrode and/or at least one sensor electrode is metallization between polymer layers.

Especially all the referred prior art documents fail to teach that the driver electrode and/or the sensor electrode would be metallization between polymer layers in the flexible substrate material. For example, in Figure 13 of *Salatino*'s document it is depicted a greatly enlarged schematic cross-sectional view of a contact pad portion of the IC-device of Figure 12 of *Salatino et al*, which also is a greatly enlarged view of the IC-device of *Salatino et al*. It is to be noted that Figure 13 depicts only the tiny contact pad portion (30'') of the whole sensor (30), and does not relate to the whole sensor arrangement as is the case with the amended claims of the present application of the applicant.

The difference of the present invention compared to the prior art solutions, such as solution of *Salatino et al* is clear e.g. in Figure 3 of the present Applicant's disclosure, where the driver electrode (321) and the sensor electrode (322) are metallization between two different polymer layers (325 and 365) in the flexible substrate material. In addition, in the present disclosure the electrodes (321, 322)

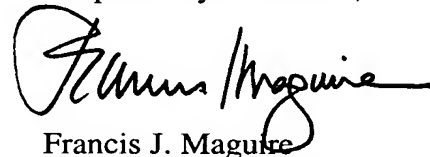
are in direct contact with the two different polymer layers (325 and 365) which is not the case with the prior art, such as *Salatino et al*, where the electrodes (54) are not in direct contact (see e.g. Figures 12 and 13) with the passive layers (122, 123) being e.g. silicon nitride, which is held to be a polymer layer by the Examiner. The same applies also to interconnecting wires of the present invention, which are metallization between polymer layers.

Furthermore, it should be noted that in reality there is no teaching or suggestion to combine the references of *Abramov*, *Salatino et al* and/or *Watanabe*. If the Examiner should feel otherwise, the applicant respectfully requests the Examiner to point to a specific principle that would suggest such a combination and modification.

However, even in a hypothetical combination of the teachings of *Abramov*, *Salatino et al* and/or *Watanabe* the person of ordinary skill would not end up to the present invention described in the amended claims, because the hypothetical combination would fail to result in the interconnecting wires being metallizations between polymer layers, and at least one driver electrode and/or at least one sensor electrode being metallization between polymer layers.

Therefore, the obviousness rejection clearly erroneous and re-opening of prosecution is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", written over a horizontal line.

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